

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MELISA A BEYER,

Plaintiff,

v.

Case No. 18-C-1635

UNITED STATES OF AMERICA,

Defendant.

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**SCREENING ORDER**

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On January 31, 2018, Melisa A. Beyer pled guilty to embezzlement of funds from a federally insured credit union in violation of 18 U.S.C. § 657. On May 3, 2018, the court imposed a sentence of 36 months and ordered her to pay restitution of \$800,000. Judgment was entered on May 8, 2018. On May 15, 2018, Beyer filed a motion to vacate, set aside, or correct her sentence pursuant to 28 U.S.C. § 2255. Although it appears Beyer filed a Notice of Appeal, the notice was not timely. She has not sought from this court an extension of her time to appeal.

Pursuant to Rule 4 of the Rules Governing § 2255 Cases, I must give the case prompt initial examination:

If it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief, the judge must dismiss the motion and direct the clerk to notify the moving party. If the motion is not dismissed, the judge must order the United States Attorney to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.

Rule 4, Rules Governing § 2255 Proceedings.

From my initial review of Beyer's petition, it appears that she may have stated a claim for ineffective assistance of counsel. More specifically, she claims that her attorney abandoned her

during the appeal. I read this statement to mean that her attorney failed to follow her instructions regarding an appeal. If so, she may be entitled to relief. I am unable to determine from the record whether or not such a claim exists. Accordingly, the government is directed to file a response to the petition within the next 30 days. The government should include in its response its position as to whether an evidentiary hearing will be necessary to resolve the claim.

Dated this 22nd day of October, 2018.

s/ William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court